IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO. 1045 OF 2007

Taru Jethmal Lalvani. ... Plaintiff.

V/s.

Amritpal Singh Sidhu. ... Defendant.

And

Jetu Jacqies Taru Lalvani & Ors. ... Applicants.

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Mr. M.K. Mudnaney for the Plaintiff.
None for the Defendant.

....

CORAM: S.C.DHARMADHIKARI, J.
10th August, 2007

P.C.

. This is a Chamber Summons by the Applicants to substitute themselves in place of the deceased sole Plaintiff who expired on 21st May 2005.

2. Mr. Mudnaney states that the Advocate appearing for the sole Defendant Mr. J.R. Shah could not accept the service of notice of this Chamber Summons because his Office has been closed and the Applicants were informed that the said Advocate had shifted to Surat.

3. Therefore, the packet containing the Chamber Summons and the affidavit in support was served by Speed Post on the Defendant at his address in the cause title.

The Postal remark is that the packet is unclaimed. The Postal remark shows that intimation was duly sent on 26th July 2007 of this packet but the sole Defendant did not come to collect the same.

4. In this view of the matter, there is the presumption in law that the service is complete.

5. Perused the Chamber Summons and the affidavit in support. For the reasons set out therein and since this is not a case of lack of bona-fides or carelessness on the part of the Applicants, delay in filing the Chamber Summons is condoned.

6. The Chamber Summons is made absolute in terms of prayer clauses (a) to (d), subject to the Applicant paying cost quantified at Rs.2,500/- to the Maharashtra State Legal Services Authority. Upon proof of costs paid is produced, Office to permit the Applicants to be substituted as the Plaintiffs. Necessary amendment be then carried out within two weeks. Amended copy be served within a period of four weeks thereafter. Written Statement to be filed within a period of eight weeks from the date of receipt of the amended copy.

7. The Chamber Summons is disposed of accordingly.

(S.C.DHARMADHIKARI,J.)